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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,563	07/17/2003	Attaullah Mirza-Baig	229627US28	6094
22850	7590	11/16/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BIBBEE, JARED M	
			ART UNIT	PAPER NUMBER
			2169	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,563	MIRZA-BAIG, ATTAULLAH	
	Examiner	Art Unit	
	Jared M. Bibbee	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152:

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to claims 1, 10, and 19 it is clear that the claim language simply represents an abstract idea where the generated logical relationships are associated with the logical representation of the data, but fails to provide a useful, concrete, and tangible purpose or result. Applicant is reminded that patent protection is limited to inventions that possess a certain level of “real world” value, as opposed to subject matter that represents nothing more than an idea or concept (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966)); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Since the claims presented by the applicant are indeed simply abstract ideas, the claims are not covered by the statutory categories of patentable subject matter set forth in 35 U.S.C. 101. An abstract idea is categorized as one of the three judicially created exceptions to patentable subject matter (the three exceptions are Laws of Nature, Natural Phenomena, and Abstract Ideas). The courts have concluded that in order to patent on of the three judicial exceptions to the statutory categories of the invention the claimed subject matter must have a practical, real-world application that produces a useful, concrete, and tangible result (*State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02).

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In order to overcome this rejection, the applicant must add a final limitation to independent claims 1, 10, and 19 showing step of actually presenting the result of the poll of the network devices to a user in the form of a view. A final step, such as the ones stated in claims 4 or 5, could be presented using a display. By adding this conclusionary step, the applicant will add to the claimed invention a useful, concrete, and tangible result that arises from a practical application of the method steps previously mentioned in the claim.

Claim 2-9, 11-18, and 20-27 are rejected because they contain the deficiencies of claims 1, 10, and 19 respectively.

Note that moving the limitation of claims 4-5, 13-14, and 22-23 into claims 1, 10, and 19 respectively, is not enough to overcome the 35 U.S.C. 101 rejection because claims 4-5, 13-14, and 22-23 still lack the conclusionary step that definitively presents the limitations to the user in a view.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 10-12, 14, 15, 19-21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hara et al (U.S. 2002/0059410 A1).

With respect to independent claim 1, Hara clearly teaches a plug-in (203b, Fig. 2) for use with a standard network management software that discovers all devices on a network and that stores information about the discovered devices in a database (*see paragraph [0045]; Note specifically*

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lines 1-4, where Hara discloses that the Local Plugin (203b) which is used to connect the device monitoring server (203a) and the device center server (210). By connecting these servers, all of the components necessary to discover all devices on a network and store information about those devices in a database is accomplished. Applicant is directed toward paragraph [0043], where Hara discloses the arrangement of principal software modules. Specifically in lines 3-8, Hara discusses two types of equipments. These types of equipment are managed by either the device monitoring server (203a) or the PC monitoring server (203d). Applicant is now directed towards paragraph [0044], specifically lines 5-10 where Hara discloses the use of an inventory database (109) to store information about the device-system equipment and the PC/server-system equipment. Note that all of these components are being tied together using the Local Plugin (203b).), comprising: a first computer control configured to access the database and to identify a first set of network devices from the database (see paragraph [0068]; Note that the PC monitoring client and the center server have access to the information database (109) so that they can retrieve information about a particular device.); a second computer control configured to poll the first set of network devices for information (see paragraph [0048]; Note that the event adapter (210a) periodically searches the information sent from the device monitoring server (203a) about the devices the device monitoring server is managing.).

***Note:** Examiner would like to note that because the Local Plugin (203b) allows access to all of the components that satisfy applicant's claimed invention that the Local Plugin comprises those components, which satisfy applicant's claimed invention.*

With respect to dependent claim 2, Hara clearly teaches the limitation of a third computer control configured to utilize the information from the polled first set of network devices to set predetermined properties for at least one of the first set of network devices (see paragraph [0059] and [0060]; Note that the application system (205) utilizes a setup value information file (401) to set device properties.).

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With respect to dependent claim 3, Hara clearly teaches the limitation of a fourth computer control configured to determine error conditions in the first set of network devices from the information from the polled first set of network devices (*see paragraph [0048]*).

With respect to independent claim 10, note the discussion of claim 1 above, claim 10 corresponds to claim 1 and is rejected for the same reasons as set forth in the rejection of claim 1.

With respect to dependent claims 11 and 12, note the discussion of claims 2 and 3 above, claims 11 and 12 correspond to claims 2 and 3 respectively and are rejected for the same reasons as set forth in the rejection of claims 2 and 3.

With respect to independent claim 19, note the discussion of claim 1 above, claim 19 corresponds to claim 1 and is rejected for the same reasons as set forth in the rejection of claim 1.

With respect to dependent claims 20 and 21, note the discussion of claims 2 and 3 above, claims 20 and 21 correspond to claims 2 and 3 respectively and are rejected for the same reasons as set forth in the rejection of claims 2 and 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, 13-15, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Baekelmans et al (U.S. 7,080,141 B1).

With respect to dependent claim 4, Hara teaches the limitation of a fifth computer control configured to report at least one of the error conditions to a device management facility (*see*

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paragraph [0071]) but fails to report the error conditions by an e-mail message. However, Baekelmans clearly teaches reporting the error conditions by an e-mail message (see column 10, lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the event monitor (110a) as taught by Hara with the notification engine as taught by Baekelmans. The skilled artisan would have been motivated to substitute the event monitor (110a) as taught by Hara with the notification engine as taught by Baekelmans for the purpose of anticipating and resolving problems in network devices before a failure is encountered (see column 2, lines 33-37).

With respect to dependent claim 5, the combination of Hara and Baekelmans clearly teach the elements of claim 4 and Hara further teaches the limitation of the fifth computer control is further configured to report at least a first error condition substantially as the first error condition occurs, and to report at least a second error condition if the second error condition persists for a predetermined period of time (*see paragraph [0072]; Note that through a display device a service person is able to view multiple error conditions for multiple devices.*).

With respect to dependent claim 6, the combination of Hara and Baekelmans clearly teach the elements of claim 4 and Hara further teaches the limitation of the second to fifth computer controls are repeated for all devices within the first set of network devices at every one of poll cycles (*see paragraph [0048]; Note that because the event adapter surveys the information sent from the device monitoring server (203a), which consists of all of the peripheral devices located on the network, that all of the steps described by Hara in the above claims corresponding to the second to fifth computer controls is executed for each device.*).

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With respect to dependent claim 13, note the discussion of claim 4 above, claim 13 corresponds to claim 4 and is rejected for the same reasons as set forth in the rejection of claim 4.

With respect to dependent claims 14 and 15, note the discussion of claims 2 and 3 above, claims 14 and 15 correspond to claims 5 and 6 respectively and are rejected for the same reasons as set forth in the rejection of claims 5 and 6.

With respect to dependent claim 22, note the discussion of claim 4 above, claim 22 is a process claim corresponding to claim 4 and is rejected for the same reasons as set forth in the rejection of claim 4.

With respect to dependent claims 23 and 24, note the discussion of claims 2 and 3 above, claims 23 and 24 correspond to claims 5 and 6 respectively and are rejected for the same reasons as set forth in the rejection of claims 5 and 6.

7. Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Baekelmans as applied to claim 4 above, and further in view of Boroughs et al (U.S. 6,834,350 B1).

With respect to dependent claim 9, note the discussion of claim 4 above, the combination of Hara and Baekelmans teach all of the elements of claim 4 but fail to explicitly recite fifth computer control is further configured to encrypt the e-mail message. However, Boroughs clearly teaches encrypting the e-mail message (*see column 10, lines 57-61*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the event monitor (110a) as taught by Hara with the notification engine as taught by Baekelmans and further modify the notification engine as taught by Baekelmans to incorporate the encrypting of email messages as taught by Boroughs for the purpose of ensuring the security of the error

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messages. The skilled artisan would have been motivated to substitute the event monitor (110a) as taught by Hara with the notification engine as taught by Baekelmans and further modify the notification engine as taught by Baekelmans to incorporate the encrypting of email messages as taught by Boroughs for the purpose of providing secure and differentiated delivery of network security information (*see column 2, lines 48-51*).

With respect to dependent claim 18, note the discussion of claim 9 above, claim 18 corresponds to claim 9 and is rejected for the same reasons as set forth in the rejection of claim 9.

With respect to dependent claim 27, note the discussion of claim 9 above, claim 27 is a process claim corresponding to claim 9 and is rejected for the same reasons as set forth in the rejection of claim 9.

8. Claims 7, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Planas et al (U.S. 6,112,015).

With respect to dependent claim 7, note the discussion of claim 1 above, Hara teaches all of the elements of claim 1 but fails to explicitly disclose that the standard network management software is HP Open View. However, Planas clearly teaches HP Open View as standard network management software (*see column 1, lines 27-41*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the principal software module of the office management systems as taught by Hara with the HP Open View network management software as taught by Planas. The skilled artisan would have been motivated to substitute the principal software module of the office management systems as taught by Hara with the HP Open View network management software as taught by Planas for the purpose of

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providing a user with a Graphical User Interface to enable the maintenance, surveillance and administration of multiple devices on a network (*see column 1, lines 14-16 and lines 27-28*).

With respect to dependent claim 16, note the discussion of claim 7 above, claim 16 corresponds to claim 7 and is rejected for the same reasons as set forth in the rejection of claim 7.

With respect to dependent claim 25, note the discussion of claim 7 above, claim 25 is a process claim corresponding to claim 7 and is rejected for the same reasons as set forth in the rejection of claim 7.

9. Claims 8, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Stevens et al (U.S. 6,539,425 B1).

With respect to dependent claim 8, note the discussion of claim 1 above, Hara teaches all of the elements of claim 1 but fails to explicitly disclose that the first set of network devices are all the network devices on the network discovered to be manufactured by a same manufacturer. However, Stevens clearly teaches that the first set of network devices are all the network devices on the network discovered to be manufactured by a same manufacturer (*see column 6, lines 6-8*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the network devices as taught by Hara with the network devices with the same manufacturer as taught by Stevens. The skilled artisan would have been motivated to substitute the network devices as taught by Hara with the network devices with the same manufacturer as taught by Stevens for the purpose of avoiding tedious and error-prone manual adjustment of configuration changes of many different types of devices (*see column 1, lines 46-47*).

With respect to dependent claim 17, note the discussion of claim 8 above, claim 17 corresponds to claim 8 and is rejected for the same reasons as set forth in the rejection of claim 8.

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With respect to dependent claim 26, note the discussion of claim 8 above, claim 26 is a process claim corresponding to claim 8 and is rejected for the same reasons as set forth in the rejection of claim 8.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Fox et al (U.S. 7,096,502 B1) is cited to teach a system and method for assessing the security posture of a network.
2. DeKoning et al (U.S. 6,769,022 B1) is cited to teach methods and an apparatus for managing heterogeneous storage devices.

Inquiries

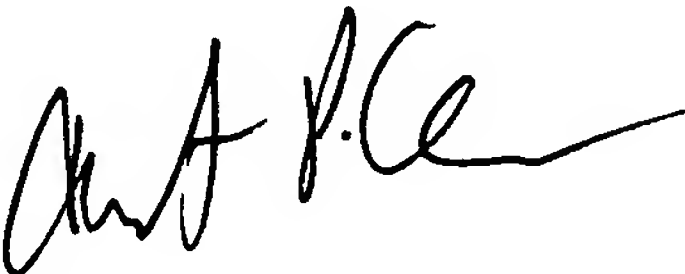
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared M. Bibbee whose telephone number is 571-270-1054. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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